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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,078	05/04/2001	J. Roger Kelley	046362.007001.0003	8140

7590

10/18/2005

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EXAMINER

WONG, LESLIE

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,078

Applicant(s)

KELLEY, J. ROGER

Examiner

Leslie Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Receipt of Applicant's Amendment, filed 27 July 2005, is acknowledged.

Examiner's Remarks

2. Tables associated with the claims do not maintain the spatial relationships (e.g., columns and rows) of the table elements and preserve the information they convey after have been imaged from the PTO IFW imaging system. Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: it appears that limitation "... from **and** unrelated to a specific facility" in claim 1a. should be "... from **an** unrelated ...". Appropriate correction is required.
4. Claims 18, 21, and 22 are objected to because the status identifiers for the claims are incorrect. The status identifiers for claims 18 and 22 indicated as "original" and claim 21 as "previously presented", however, the limitations of the above claims have changed since the previous amendment (see 37 CFR 1.21(c)).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5 and 9-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "**the collected user data**". There is **insufficient antecedent basis** for this limitation in the claim.

Claims 5 and 9-11 recite the limitation "**the public data**". There is **insufficient antecedent basis** for this limitation in the claim.

Claims 12-23 are rejected for fully incorporating the deficiencies of their respective base claims by dependency.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by **Singer et al. ('Singer')** (US 20030115198 A1).

Regarding claim 1, **Singer** teaches a method for collecting, assimilating and utilizing data from a variety of sources for determining the regulatory requirements and for generating the related compliance reports for a specific facility in a given industry, the method comprising the steps of:

- a). collecting data externally generated from and unrelated to a specific facility but required for compliance requirements of a governmental compliance model (col. 3, lines 32-35);
- b). collecting data uniquely associated with said facility and internally generated from said facility (col. 9, lines 58-67);
- c). assimilating the external data and the internal data in a processor to determine compliance by the user (col. 5, lines 10-15; col. 6, lines 13-19; col. 9, lines 13-21);
- d). automatically generating a report based on the assimilation, which report is unique to the facility and contains the required governmental compliance information (col. 2 lines 19-21).

Regarding claim 2, **Singer** further teaches wherein the external data is collected via the Internet (col. 1, lines 59-61 and col. 2, lines 43-47).

Regarding claim 3, **Singer** further teaches wherein the compliance model is a government agency compliance requirement (col. 3, lines 32-35).

Regarding claim 4, **Singer** teaches the step of electronically submitting the generated report to a relevant agency (col. 10, lines 25-29).

Regarding claim 5, **Singer** further teaches wherein the collected public data is industry specific (col. 10, lines 49-52).

Regarding claim 6, **Singer** further teaches wherein the collected user data is facility specific (col. 5 lines 7-10).

Regarding claim 7, **Singer** further teaches wherein the collected user data is equipment specific (col. 5 lines 7-10).

Regarding claim 8, **Singer** further teaches wherein the collected user data is location specific (col. 5 lines 7-10).

Regarding claim 9, **Singer** further teaches including the step of creating a library of available data from the collected public data and non-confidential portions of the collected user data (col. 3, lines 24-35).

Regarding claim 10, **Singer** further teaches linking the public data to on-line databases and importing data from said databases into the collected public data (col. 6, lines 13-19).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Singer et al. ('Singer')** (US 20030115198 A1) as applied to claims 1-10 above and in view of **Dominguez et al.** (U.S. Patent 5,668,735).

Regarding claim 11, **Singer** teaches collected public data (col. 1, lines 59-61 and col. 2, lines 43-47).

Dominguez, however, teaches a mathematical database and collected user data and imported into the mathematical database for calculating compliance data in the generation of a report (col. 24, lines 41-65 and col. 23, lines 11-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Dominguez's** teaching would have allowed **Singer's** to provide a central repository of regulated information in order to facilitate accessing information and enhancing the process of preparing and submitting of compliance data to related agency.

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11. Claims 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Singer et al. ('Singer')** (US 20030115198 A1) and **Dominguez et al.** (U.S. Patent 5,668,735) as applied to claim 11 above and in view of EPA Document AP-42 and standard engineering/industry calculations according to Applicant submission under 37 CFR 1.105.

Regarding claim 12, **Singer and Dominguez** do not explicitly teach wherein the mathematical database is an air module database for calculating hydrocarbon emissions from a crude oil storage tanks.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for hydrocarbon emissions from a crude oil storage tank can be found in Chapter 5 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ a mathematical database that contains the formulas for calculating hydrocarbon emissions from a crude oil storage tanks as doing so would facilitate access and retrieval of formulas to calculate hydrocarbon emissions from a crude oil storage tanks and other emissions which required by the agency.

Regarding claim 13, **Singer and Dominguez** do not explicitly teach wherein the mathematical database includes the primary calculation formulas for calculating hydrocarbon emissions from storage tanks.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for hydrocarbon emissions from storage tanks can be found in Chapter 7, Section 7.1 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate hydrocarbon emissions from storage tanks in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claims 14-15, **Singer and Dominguez** do not explicitly teach wherein the mathematical database includes the primary calculation formulas for calculating hydrocarbon emissions from internal combustion engines.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for hydrocarbon emissions from internal combustion can be found in Chapter 3 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate hydrocarbon emissions from internal combustion engines in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claims 16-17, **Singer and Dominguez** do not explicitly teach wherein the mathematical database includes the primary calculation formulas for calculating hydrocarbon emissions from external combustion units.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for hydrocarbon emissions from external combustion units can be found in Chapter 1 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate hydrocarbon emissions from external combustion units in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claims 18 and 19, **Singer and Dominguez** do not explicitly teaches the mathematical database includes the following primary calculation formulas for calculating emissions for *valves, flanges piping, and compressor seals*;

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for emissions from emissions for *valves, flanges piping, and compressor seals* can be found in Chapter 7, Section 7.1 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate emissions from emissions for *valves, flanges piping, and compressor seals* in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claim 20, **Singer and Dominguez** do not explicitly teach the mathematical database includes the following primary calculation formulas for calculating emissions for glycol dehydration units.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for glycol dehydration units can be found in Attachment No. 5.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate emissions for glycol dehydration units in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claim 21, **Singer and Dominguez** do not explicitly teach calculating flash emissions caused by the transfer of higher pressure liquids from a process vessel to a storage tank of less pressure.

However, Applicant submission under 37 CFR 1.105 indicates that the calculation of flash emissions caused by the transfer of higher pressure liquids from a process vessel to a storage tank of less pressure by utilizing one of the following:

- 1). standard petroleum engineering calculation (i.e., Vaquez-Beggs Gas Oil Ratio and Black Oil GOR 2);
- 2). Standard testing of samples and gas oil ratio calculation from gas evolved during this test; or
- 3). API-E&P Calculation routine using industry stand software.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the above standard emissions formulas to calculate flash emissions caused by the transfer of higher pressure liquids from a process vessel to a

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storage tank of less pressure in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claim 22, **Singer and Dominguez** do not explicitly teach calculation of loading loss emission.

However, Applicant submission under 37 CFR 1.105 indicates that the emissions formula for loading loss emissions can be found in Chapter 5, Section 5.2 of the EPA Document AP-42.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the provided EPA emissions formulas to calculate hydrocarbon emissions from storage tanks in order to submit the emissions report to the EPA in accordance with EPA requirements.

Regarding claim 23, **Singer et al.** further teaches wherein the mathematical database includes the primary calculation formulas for calculating emissions fees (col. 8, lines 22-30).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES RONES can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Leslie Wong', with a long horizontal stroke extending to the right.

Leslie Wong
Primary Patent Examiner
Art Unit 2167

LW
October 11, 2005